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UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON

18 1. Plaintiff SETH D. HARRIS, Acting Secretary of Labor, United States Department
19 of Labor (the “Acting Secretary” or “Plaintiff”), brings this action pursuant to Section 17,
20 29 U.S.C. § 217, of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201-19
21 (hereinafter “FLSA” or the “Act”), to enjoin Defendants SUMMIT DRYWALL, INC., and
22 THOMAS KAUZLARICH from violating the provisions of Sections 15(a)(2) and 15(a)(5) of the
23 Act, 29 U.S.C. §§ 215(a)(2), (5).

1 2. Plaintiff also and separately brings this action pursuant to Section 16(c) of the
2 Act, 29 U.S.C. §§ 216(c), for the recovery of a judgment against Defendants for unpaid
3 minimum wage and overtime compensation due Defendants' employees listed in the attached
4 Exhibit A (and additional employees whose claims become known to Plaintiff) and liquidated
5 damages in an amount equal thereto, or in the event liquidated damages are not awarded, pre-
6 judgment interest computed on the unpaid wages due.

7 3. Jurisdiction of this action is conferred upon the Court by Sections 16(c) and 17 of
8 the FLSA, 29 U.S.C. §§ 216(c), 217; by 28 U.S.C. § 1331 (federal question); and by 28 U.S.C.
9 § 1345 (United States as plaintiff).

10 4. Venue lies in the United States District Court, Western District of Washington,
11 pursuant to 28 U.S.C. § 1391(b) as both Defendants reside in this judicial district.

12 5. At all times material hereto, Defendant SUMMIT DRYWALL, INC., is and has
13 been a Washington State corporation licensed to do business in Washington State, with its
14 principal place of business located at 18830 244th Lane S.E., Issaquah, Washington 98027,
15 within the jurisdiction of this Court, where it is and has been engaged in the business of
16 providing drywall installation services.

17 6. At all times material hereto, Defendant SUMMIT DRYWALL, INC., is and has
18 been an employer within the meaning of FLSA § 3(d), 29 U.S.C. § 203(d), in relation to the
19 employees listed on Exhibit A to the Complaint (and additional employees whose claims become
20 known to Plaintiff).

21 7. At all times material hereto, Defendant THOMAS KAUZLARICH is and has
22 been an owner and president of Defendant SUMMIT DRYWALL, INC., and is and has been at
23 all relevant times an employer within the meaning of FLSA § 3(d), 29 U.S.C. § 203(d), in that he
24 was a person acting directly or indirectly in the interest of Defendants (employers) in relation to
25 their employees listed on Exhibit A (and additional employees whose claims become known to

1 Plaintiff), and had economic and operational control over Defendant SUMMIT DRYWALL,
 2 INC., and its business in the State of Washington.

3 8. At all times relevant to this Complaint, Defendants employ and/or employed
 4 employees in and about their place of business who handled, sold, or otherwise worked on goods
 5 or materials that have been moved in or produced for commerce by any person.

6 9. At all times relevant to this Complaint, Defendant SUMMIT DRYWALL, INC.,
 7 is and has been an “enterprise,” as defined in FLSA § 3(s)(1)(A), 29 U.S.C. § 203(s)(1)(A),
 8 whose annual gross volume of sales made or business done of not less than \$500,000 (exclusive
 9 of sales taxes at the retail level that are separately stated). By reason thereof, said enterprise at
 10 all times relevant to this Complaint was an enterprise engaged in commerce or in the production
 11 of goods for commerce within the meaning of the Act.

12 10. Defendants have violated and/or are violating the provisions of FLSA §§ 6 and
 13 15(a)(2), 29 U.S.C. §§ 206, 215(a)(2), by paying the employees listed in Exhibit A (and
 14 additional employees whose claims become known to Plaintiff) who were engaged in commerce
 15 or in the production of goods for commerce, or in an enterprise engaged in commerce or in the
 16 production of goods for commerce, less than the minimum wage for all hours worked.

17 11. Defendants have violated and/or are violating the provisions of FLSA §§ 7 and
 18 15(a)(2), 29 U.S.C. §§ 207, 215(a)(2), by employing the employees listed in Exhibit A (and
 19 additional employees whose claims become known to Plaintiff) who were engaged in commerce
 20 or in the production of goods for commerce, or in an enterprise engaged in commerce or in the
 21 production of goods for commerce, for work weeks longer than forty (40) hours without
 22 compensating said employees for all their employment in excess of 40 hours in such work weeks
 23 at rates not less than one and one-half the regular rates at which they were employed.

24 12. Defendants have violated and/or are violating the provisions of FLSA §§ 11(c)
 25 and 15(a)(5), 29 U.S.C. §§ 211(c), 215(a)(5), by failing to maintain, keep, make available (to

1 authorized agents of Plaintiff for inspection, transcription, and/or copying), and preserve records
 2 of employees and of the wages, hours, and other conditions and practices of employment
 3 maintained, as prescribed by the regulations promulgated by Plaintiff pursuant to the authority
 4 granted in the Act and published in the Federal Register and known as Title 29, Code of Federal
 5 Regulations, Part 516.

6 13. Defendants violated and/or are violating the monetary provisions of the Act as
 7 alleged in paragraphs 10 and 11, and, as a result, Defendants are liable for unpaid minimum
 8 wage and overtime compensation and an equal amount in liquidated damages under FLSA
 9 § 16(c), 29 U.S.C. § 216(c).

10 14. At all times relevant to this Complaint, Defendants repeatedly violated the above-
 11 described provisions of the FLSA.

12 15. Defendants' violations of the above-described provisions of the FLSA were
 13 willful in nature.

14 16. As a result of the violations of the overtime and minimum wage provisions of the
 15 FLSA, there is unpaid overtime and minimum wage compensation due under the FLSA that is
 16 being withheld by Defendants;

17 17. Judgment permanently enjoining and restraining such violations of the FLSA is
 18 specifically authorized by FLSA § 17, 29 U.S.C. § 217.

19 18. Judgment awarding unpaid back wages due under the FLSA, plus an additional
 20 amount as liquidated damages that is equal to the amount of the back wages that accrued under
 21 the FLSA, is specifically authorized by FLSA § 16(c), 29 U.S.C. § 216(c).

22
 23 WHEREFORE, cause having been shown, Plaintiff prays for a Judgment against
 24 Defendants as follows:

25 (1) For an Order pursuant to FLSA § 17, 29 U.S.C. § 217, permanently enjoining and
 COMPLAINT, CASE NO. 13-683

1 restraining Defendants, their officers, agents, servants, employees, and all persons acting in their
2 behalf and interest from prospectively violating the provisions of FLSA §§ 15(a)(2) and 15(a)(5),
3 29 U.S.C. §§ 215(a)(2), (5);

4 (2) For an Order pursuant to FLSA § 16(c), 29 U.S.C. § 216(c), finding Defendants
5 liable for unpaid minimum wage and overtime compensation found by the Court to be due
6 Defendants' employees (including those named in the attached Exhibit A and additional
7 employees whose claims become known to Plaintiff), plus an equal amount in liquidated
8 damages; or, in the event liquidated damages are not awarded, pre-judgment interest computed
9 on the unpaid wages due;

10 (3) For an Order awarding Plaintiff his fees and the court costs of action; and

11 (4) For an Order granting Plaintiff such other and further relief as may be necessary
12 and appropriate.

13 DATED this 16th day of April, 2013.

14 M. PATRICIA SMITH
15 Solicitor of Labor

16 JANET M. HEROLD
17 Regional Solicitor

18 BRUCE L. BROWN
19 Associate Regional Solicitor

20 By: 
21 SUSAN BRINKERHOFF
22 Trial Attorney

23 U.S. DEPARTMENT OF LABOR
24 Counsel for Plaintiff

1 EXHIBIT A

2 1. Aguilar, Victor
3 2. Alejandro Alonso, Jose
4 3. Almejo, Cain
4 4. Alonso, Alfredo
5 5. Alonso, Jose
6 6. Alvarado, Carlos
7 7. Alvarado, Edgar
6 8. Alvarado Q., Jesus
7 9. Ambrocio, Jorge
7 10. Ambrocio, Rafael
8 11. Ambrocio, Rodolfo
8 12. Ambrosio, Jose
9 13. Araiza, Adolfo
9 14. Araiza, Efren
10 15. Araiza, Javier
10 16. Araiza Diaz, Gregorio
11 17. Araiza Estrada, Jorge
11 18. Araiza Rosales, Carlos
12 19. Arzate R., Pedro
12 20. Avalos, Jose
13 21. Avalos, Querin
13 22. Ayala Ramirez, Juan
14 23. B. Villa Lopez, Jesus
14 24. Baltazar, Erik
15 25. Barajas, Jose
16 26. Barraza, Mario
16 27. Bautista, Dagoberto
17 28. Bautista, Salvador
17 29. Benavides, Arturo
18 30. Blanco, Francisco
18 31. Blas Blanco, Victor
19 32. Cabrera, Ismael
19 33. Calderon Aguirre, Adrian
20 34. Cardenas, Armando
20 35. Carrera, Jorge
21 36. Carrillo, Santiago
22 37. Castanon, Eduardo
22 38. Castillo, Jose
23 39. Castillo, Jose Nava
23 40. Castillo, Juan
24 41. Castillo Cauich, Luis
24 42. Castillo T., Jorge
25 43. Castillo Torres, Rogelio

- 1 44. Cauich, Carlos
- 2 45. Ceja, Abel
- 3 46. Ceja, Horacio
- 4 47. Ceja, Lauro
- 5 48. Ceja, Osbaldo
- 6 49. Cervantes, Jaime
- 7 50. Chavira, Francisco
- 8 51. Cifuentes G., Jose
- 9 52. Contreras, Jose
- 10 53. Contreras Ayala, Jose
- 11 54. Coral, Sergio
- 12 55. Cordova, Francisco
- 13 56. Cordova, Jose
- 14 57. Cortez, Juan
- 15 58. Cortreras Galvan, Horacio
- 16 59. Crisanto, Bernardino
- 17 60. Cruz, Humberto
- 18 61. De Dios, Edgar
- 19 62. De La Cruz, Leonardo
- 20 63. De La Rosa, Angel
- 21 64. De La Rosa, Cesar
- 22 65. De La Rosa, Cesar R.
- 23 66. De La Rosa, Eligio
- 24 67. De La Rosa G., Alfredo
- 25 68. De La Rosa G., Manolo
69. DeLa Cruz, Cristian
70. Diaz, Cirilo
71. Diaz, Juan
72. Diaz, Ricardo
73. Diaz, Tomas
74. Diaz Avalos, Juan
75. Duenas, Fernando
76. Duenas Salcedo, Cesar
77. Duenas Salcedo, Edgar
78. Enciso, Joel
79. Escobar, Jose
80. Escobar, Rene
81. Federico Lopez, Osvaldo
82. Fierro-Avila, Salvador
83. Figueira Padilla, Jose
84. Flores, Javier
85. Flores, Oscar
86. Flores, Ramon
87. Garcia, Fidel
88. Garcia, Gilberto

1 89. Garcia, Joaquin
2 90. Garcia, Jose
3 91. Garcia, Juan
4 92. Garcia, Ramon
5 93. Garcia, Ruben
6 94. Garcia Castillo, Fernando
7 95. Garcia Castillo, Jose Alonso
8 96. Gomez, Hugo
9 97. Gomez P., Blas
10 98. Gonzaga, Ramon
11 99. Gonzales, Isaac
12 100. Gonzalez, Tirso
13 101. Guadalupe, Efrain
14 102. Guadalupe, Leocadio
15 103. Guadalupe, Marco
16 104. Guadalupe, Pedro
17 105. Guadalupe, Pedro R.
18 106. Guerrero, Armando
19 107. Guerrero Adame, Jaime
20 108. Guerrero B., Benigno
21 109. Guerrero Martinez, Isaias
22 110. Guerrero Martinez, Jose
23 111. Gutierrez, Juan
24 112. Gutierrez, Roberto
25 113. Guzman, Abraham
1 114. Guzman, Alfredo
2 115. Guzman, Apolonio
3 116. Guzman, Avigay
4 117. Guzman, Braulio
5 118. Guzman, David
6 119. Guzman, Diego
7 120. Guzman, Edgardo
8 121. Guzman, Flavio
9 122. Guzman, Jorge
10 123. Guzman, Jose A.R.
11 124. Guzman, Jose D.
12 125. Guzman, Jose R.
13 126. Guzman, Laris
14 127. Guzman, Marcos
15 128. Guzman, Miguel
16 129. Guzman, Pablo
17 130. Guzman A., Jose J.
18 131. Guzman Nava, Jose
19 132. Heredia, Victor
20 133. Hernandez, Edwin

1 134. Hernandez, Jesus
2 135. Hernandez Garcia, Alvaro
3 136. Hernandez Garcia, Christian
4 137. Hernandez Rivera, Andres
5 138. Herrarte, Edgardo
6 139. Herrera, Enrique
7 140. Herrera, Victor
8 141. Huerta Blanco, Carlos
9 142. Huerta Blanco, Severiano
10 143. Huerta Estrada, Carlos
11 144. Hugo Padillo, Cesar
12 145. Ibarra, Osvaldo
13 146. Jacobo, Jorge
14 147. Jacobo, Luis
15 148. Jacovo, Guillermo
16 149. Jimenez, Hector
17 150. Jose Neri Blanco, Juan
18 151. Larios, Fabian
19 152. Larios, Juan
20 153. Larios, Ricardo
21 154. Larios D., Jose
22 155. Larios Santos, Omar
23 156. Lazaro, Daniel
24 157. Lazaro De La Cruz, Jose
25 158. LeBaron, Isaias
 159. Lopez, Ismael
 160. Lopez, Maximiliano
 161. Lopez Cardona, Everardo
 162. Lopez Cardona, Ismael
 163. Lopez Cardona, Saul
 164. Lopez Gutierrez, Alberto
 165. Lopez L., Jose
 166. Lopez L., Nestor
 167. Macia Ponce, Catarino
 168. Macias Ponce, Eligio
 169. Magana, Martin
 170. Manuel Reyes, Victor
 171. Maria, Edgar
 172. Maria D., Francisco
 173. Martinez, Fernando
 174. Mejia, Juan
 175. Mejia, Nerudin
 176. Mendoza, Isaias
 177. Mendoza, Julio
 178. Mendoza, Octavio

1 179. Mendoza Reyna, Noe
2 180. Mojarrro, Ramiro
3 181. Molinero, Alejandro
4 182. Montano, Jose
5 183. Mora Salaiza, Rigoberto
6 184. Morales, Arnulfo
7 185. Morales, Guillermo
8 186. Morales, Jose
9 187. Moreno, Osvaldo
10 188. Murguia Chavez, Claudio
11 189. Neri, Lionso
12 190. Neri, Oracio
13 191. Neri, Ramiro
14 192. Neri, Raul
15 193. Neri Benavides, Juan
16 194. Neri Mejia, Giovanni
17 195. Nery Ceja, Juan
18 196. Ornelas, Misael
19 197. Ortiz Montero, Heliodoro
20 198. Padilla, Felipe
21 199. Parra Andrade, Carlos
22 200. Partida, Miguel
23 201. Ponce Ceja, Jaime
24 202. Ponce Garcia, Abelardo
25 203. Quinones M., Francisco
1 204. Quinones M., Jesus
2 205. Quinones Mendoza, Jose
3 206. Quiroz, Jose
4 207. Ramirez, Abraham
5 208. Ramirez, Avigay
6 209. Ramirez, Constantino
7 210. Ramirez, Eduardo
8 211. Ramirez, Misael
9 212. Ramirez, Noe
10 213. Ramirez Guzman, Enrique
11 214. Riestra, David
12 215. Riestra, Demetrio
13 216. Riestra, Israel
14 217. Riestra, Oscar
15 218. Riestra, Victor
16 219. Rincon, Octavio
17 220. Rios, Gabriel
18 221. Rodriguez, Ely
19 222. Rodriguez, Felix
20 223. Rodriguez Cortez, Fernando

1 224. Rodriguez Orozco, Francisco
2 225. Rogers, Kenny
3 226. Romero, Adalberto
4 227. Romero, Alvino
5 228. Romero, Christian
6 229. Romero, Efrain
7 230. Romero, Hector
8 231. Romero, Israel
9 232. Romero, J. Homar
10 233. Romero, Jose
11 234. Rosales, Cornelio
12 235. Rosales, Guillermo
13 236. Rosales, Joel
14 237. Rosales, Jose
15 238. Rosales, Luis
16 239. Rosales, Manuel A.
17 240. Rosales, Manuel R.
18 241. Rosales B., Francisco
19 242. Rubio, Angel
20 243. Rubio, Jesus
21 244. Rubio, Oscar
22 245. Rubio, Romualdo
23 246. Rubio, Santiago
24 247. Ruiz, Bernadet
25 248. Ruiz, Efrain
26 249. Ruiz, Joel
27 250. Ruiz, Miguel
28 251. Ruiz, Tiburcio
29 252. Ruiz Mendoza, Ramon
30 253. Ruiz Negrete, Francisco
31 254. Salas, Adan
32 255. Salas, Juan
33 256. Sanchez, Rogelio
34 257. Sanchez May, Marcos
35 258. Sandoval, Jesus
36 259. Silva, Guadalupe
37 260. Simerka, Roger
38 261. Siordia, Guadalupe
39 262. Siordia, Ricardo
40 263. Siordia, Valentin
41 264. Sustaita, Ildefonso
42 265. Sustaita, Raymundo
43 266. Talavera, Rigoberto
44 267. Tejeda Corona, Antonio
45 268. Torres, Abel

1 269. Torres, Francisco
2 270. Torres, Jose Cruz
3 271. Torres, Jose Rogelio
4 272. Torres, Juan
5 273. Torres, Juan Francisco
6 274. Torres, Manuel
7 275. Torres Castillo, Javier
8 276. Torres T., Juan
9 277. Truillo Corona, Hernan
10 278. Urrutia, Jose
11 279. V. Gonzalez, Juan
12 280. V. Rangel Perez, Bianca
13 281. Valdez, Julio
14 282. Valverde B., Vicente
15 283. Vega, Dagoberto
16 284. Vela, Eduardo
17 285. Velasco, Benjamin
18 286. Velasco, Jesus
19 287. Velasco, Luis
20 288. Villa Rivero, Juan
21 289. Villarreal, Emmanuel
22 290. Villasenor Bernabe, Martin
23 291. Vitale, Daniel
24 292. West, Patrick
25 293. Yarrington, Andrew
16 294. Yates, John
17 295. Zamora, Francisco